

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

DAVID FLEISHER, MICHAEL CLIME,	:	CIVIL NO. 2:12-CV-01326-TR
GARY IPPOLITO, ROBERT L.	:	
LIVINGSTON, DAVID TAILLON, on	:	
behalf of themselves and all others similarly	:	
situated,	:	
	:	
Plaintiffs,	:	
	:	
v.	:	
	:	
FIBER COMPOSITES, LLC,	:	
	:	
Defendant.	:	

**PLAINTIFFS' UNOPPOSED MOTION FOR PRELIMINARY APPROVAL OF
CLASS SETTLEMENT, PROVISIONAL CERTIFICATION OF SETTLEMENT CLASS,
AUTHORIZATION TO DISSEMINATE CLASS NOTICE, AND APPOINTMENT OF
CLASS REPRESENTATIVES AND CLASS COUNSEL**

Plaintiffs David Fleisher, Michael Clime, Gary Ippolito, Robert L. Livingston, and David Taillon, individually and on behalf of all others similarly situated (collectively “Plaintiffs”), by and through their undersigned counsel and pursuant to Rule 23(e) of the Federal Rules of Civil Procedure, hereby move for entry of an order preliminarily approving the proposed settlement with Defendant Fiber Composites, LLC (“Fiberon”) memorialized in the Settlement Agreement that has been contemporaneously filed with the Court.

Plaintiffs also request that the Court grant provisional certification of the Settlement Class under Rule 23(b)(3) of the Federal Rules of Civil Procedure; appoint the named Plaintiffs as Class Representatives; appoint Simon B. Paris, Esq. and Charles J. Kocher, Esq. as Class Counsel; approve the Notice and notice program as set forth in the Settlement Agreement; and establish the case management deadlines set forth in the accompanying Proposed Order.

Fiberon does not oppose Plaintiffs’ Motion.

In support of this Motion, Plaintiffs respectfully submit a Memorandum of Law in Support; the Declaration of Charles J. Kocher in Support of Plaintiffs' Unopposed Motion for Preliminary Approval of Class Settlement, Provisional Certification of Settlement Class, Authorization to Disseminate Class Notice, and Appointment of Class Representatives and Class Counsel; and all Exhibits thereto.

WHEREFORE, Plaintiffs respectfully request that this Court enter the proposed Order.

Dated: August 30, 2013

Respectfully submitted,
SALTZ, MONGELUZZI, BARRETT & BENDESKY, P.C.
By S/ Charles J. Kocher

Simon B. Paris
Charles J. Kocher (PA 93141)
Patrick Howard (PA 88572)
One Liberty Place, 52nd Floor
1650 Market Street
Philadelphia, PA 19103
Tel (215) 575-3985
Fax (215) 575-3894
[E-mail: sparis@smbb.com](mailto:sparis@smbb.com)
[E-mail: ckocher@smbb.com](mailto:ckocher@smbb.com)
[E-mail: phoward@smbb.com](mailto:phoward@smbb.com)

HAGENS BERMAN SOBOL SHAPIRO LLP

Steve W. Berman
Anthony D. Shapiro
Robert F. Lopez
1918 Eighth Avenue, Suite 3300
Seattle, WA 98101
(206) 623-7292
steve@hbsslaw.com
tony@hbsslaw.com
robl@hbsslaw.com

Attorneys for Plaintiffs and the Proposed Settlement Class